

REMARKS

The Examiner objected to the Reissue Declaration as being defective because it was not specific enough in what error being relied upon to support the reissue application. Filed concurrently herewith is a Supplemental Reissue Declaration by Inventor which specifically calls out the limitations desired to be eliminated in patent Claim 1 and why new independent Claim 14 should also be considered as an error for failing to previously claim the subject matter therein. Therefore, this objection to the Reissue Declaration should be withdrawn.

Claims 1-11 and 14-19 were rejected under Section 251 as being based upon a defective Reissue Declaration. Since the Reissue Declaration is now believed to be in good order, this rejection should be withdrawn.

Claim 1-11 and 14-19 were rejected under Section 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. The Examiner specifically stated that the claims were allowed in the patent for the limitations of original claims 5-8, or the spaced pairs of ribs having the narrow and wide grooves of Claim 1 of the patent.

Claim 1 has been further amended to recite that at least one pair of ribs defines a first narrow groove therebetween and at least one adjacent pair of ribs defines a second wider groove therebetween, wherein the inner rib of the at least one pair of ribs are disposed for engagement with the teeth, and the outer rib of the at least one pair of ribs are disposed for engagement with the gums when the animal bites down on the outer peripheral surface between the spaced pairs of annular ribs. By the most recent amendment to Claim 1, the ribs still appear as limitations in the

claims, as well as the narrow groove and wider groove. However, the claim is broadened to the extent that only one pair of ribs is required defining the first narrow groove therebetween, and only one pair of ribs is required to define a second groove therebetween. Thus, it is believed that the basic structural elements of original Claim 1 are still present; however, the specific recitation of the structural elements has been somewhat broadened.

As for new independent Claim 14, it is believed that this new claim has some of the limitations of original claims 5-8, but not all of the limitations, and in lieu thereof adds the limitation that the ribs define narrow and wider grooves disposed therebetween. Patent Claim 1 which was allowed based upon the personal interview with the Applicant and the Examining Attorney constituted a new claim at that time, and this claim was not previously rejected by a prior art reference. Specifically, it was understood that patent Claim 1 (application Claim 16) was allowed because it recited the spaced pairs of annular ribs, along with the narrow and wider grooves disposed therebetween. Therefore, with respect to the subject matter of patent Claim 1, Applicant believes that the recapture rule does not apply. Accordingly, Claim 14 constitutes yet a new further combination wherein some of the limitations of Claims 5-8 are combined with the recitation of the ribs defining narrow and wider grooves disposed therebetween. Although the original patent application claims recited longitudinally spaced ribs, the claims did not recite the narrow and wider grooves disposed therebetween.

In summary, patent Claim 1 has been amended, patent Claims 2-10 remain unchanged, reissue application Claims 11-13 were previously canceled, previously added Claim 14 has been further amended, and previously added Claims 15-19 remain unchanged. Each of these claims

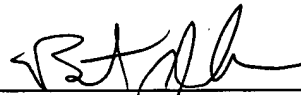
find proper antecedent basis in the figures at Figures 1, 3, 6 and 7, and in the description at column 2, lines 55-67, and column 3, lines 1-59.

Applicant has made a sincere effort to place the application in condition for allowance; therefore, such favorable action is earnestly solicited. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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2/10/05